

RECEIVED 12 May, 2003

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of 3

Dear Ellen;

Below are some comments on the Preliminary General Plan/Draft EIR for the Forest of Nisene Marks State Park (SCH#2001022080).

(1.) The introduction to this report uses the phrases "seclusion and serenity" and "peace and solitude" in describing the park. The listing of aesthetic resources on page 62 doesn't say anything about these attributes of the park. I believe these are aesthetic resources and should be listed. The guidelines regarding aesthetic resources on p. 91 could then include intention to monitor and mitigate for significant effects that increased park use will have on these features. P. 119 might be another place to do this. If the quality expressed in these phrases is not an "aesthetic resource" then will you please find some way to describe it and protect it? Thanks.

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(2.) I really like the part of p. 82 that reads "Trails will be designed to move bikes through this heavily used lower area and into other suitable areas of the park that are less frequented by foot traffic". Please keep this.

(3.) The Summary of Impacts and Mitigation Measures on P. 118 should include trespassing from the park into private property adjacent to the park. Monte Toyon Camp and Conference Center,

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where I work and live, has had a steadily increasing problem with park users trespassing on Monte Toyon trails inadvertently and intentionally. Cyclists and equestrians seem to be the user groups most prone to repeated intentional trespassing. Hikers are usually just lost. Increasing public use in areas where unofficial trails connect with Monte Toyon trails will increase trespassing into Monte Toyon.

(4.) On page 121 where "impacts associated with actions that would increase public use" are reported, the problem of "unauthorized uses" listed on p. 91 should be mentioned. Increased public use has led to, and will continue to lead to, increased frequency of unauthorized use such as: (a) mountain bike jumps, drop-ins and illegally constructed single track trails, (b) off road motor vehicle use of the Buzzard Lagoon area, (c) illegal campfires, and (d) after-hours partying. These and many other unauthorized uses have been practiced in the park for years. Increased public use will probably increase them.

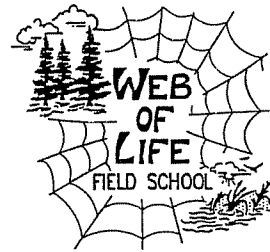
(5.) On page 121 it reads "Potential programmatic land use impacts associated with actions that would increase public use were determined to be less than significant and no mitigation is required". How was this "determined"? I believe this statement is erroneous and a big mistake.

(6.) At the top of page 175 the "mortality of common wildlife species" is deemed to be "less-than-significant." This should be determined on a case-by-case basis. For example, the less forested, more open areas near Aptos such as the area around the kiosk and some parts of the new addition of old Mangles Ranch land, are rich with reptiles, birds and mammals. The species found here are widespread and common, but in the Aptos area their populations are depleted by mortality from road kill, cat and dog predation, and general habitat destruction. Species considered common will be affected significantly by increased development and visitor use if the locality concerned is something like an oasis amid surrounding sub-optimal habitat. Migrating songbirds that nest and/or feed in the rich and diverse lower part of the park are a good example of a kind of wildlife species that may be common, but is vulnerable to disruption in certain places at certain times. Overall, this treatment of "Impacts to Common Vegetation and Species" is incomplete, erroneous, ill-conceived and counter to the mission of the California State Parks.

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Thank you for an otherwise complete and interesting report. Yours sincerely, *[Signature]*

Stere Miller
220 Cloister Ln
Aptos CA 95003
(831) 688-7507



Building respect, appreciation and stewardship within the Web of Life.

Ellen Wagner
California State Parks
Northern Service Center
P.O. Box 942896
Sacramento, CA 94296-0001

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NORTHERN SERVICE
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May 11, 2003

Dear Ms. Wagner,

I am writing in reference to the Preliminary General Plan/Draft EIR for the Forest of Nisene Marks State Park (SCH#2001022080). I live at Camp Monte Toyon, located at 220 Cloister Lane in Aptos, which shares a large border with Nisene Marks State Park. I also direct the Web of Life Field (WOLF) School, which brings several thousand students and teachers each year to Monte Toyon who hike and perform nature studies on the trails of Nisene Marks State Park.

This Preliminary General Plan, while a good start, is incomplete in several aspects. First, the plan needs to include the recognition of and mitigation measures for the ever-increasing amount of trespassers onto adjacent land (Monte Toyon) by park users. Additionally, I believe that the Mangles Addition to the park should be remain off-limits to bicycles and high intensity use due to the trespassing problem and the negative effect on wildlife in this exceptionally rich and diverse area.

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Sincerely,

Heather Butler
Director



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Ellen Wagner
P.O. Box 942896
Sacramento CA 94296

MAY 14 2003
NORTHERN SERVICE
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12 May 03

Dear Ellen:

I have additional information on the Forest of Nisene Marks State Park which may clarify my strong criticism of the Preliminary Plan.

In a previous paper I submitted to the CSP, I pointed out that horse and bike use should be restricted in three areas of the lower area - the Mangels Ranch Area, the flat understory area adjacent to George's picnic area (see my 30 April document, #9 page 3), and the Pourroy property which contains Marcel's Forest.

Each of these has different and unique plant communities and potentially important interpretative sites. I described these in detail to the CSP office about a year ago and presented the data briefly at the March 2002 public hearing. In each case, horse and bike use must be precluded for educational, social, biological, and geological reasons.

In the Advocate's spring/summer 2003 newsletter there is a report about the plan for construction of an all-weather bridge across Aptos Creek near the Kiosk. I feel this is a good development for the lower area, but horse and bike use must be prohibited across this bridge because of the steepness and soil fragility of the trails on the west side of the creek. What has saved the trails on the west side is that there has been minimal trail degradation by horses and bikes during the winter period.

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The Advocate's newsletter possibly revealed what I had surmised before, that the Advocates consider the exceptional ecological and educational value of Mangels Ranch may interfere with their more preferred area to develop, the Pourroy property. In the Advocates newsletter: *"We had always viewed Marcel's Forest (in Pourroy property) as the park's premier feature, perfect for educational activities."*

I was wondering why there was an apparent avoidance of relating the importance of the Mangels Ranch area in the Preliminary report. Here are some examples you may have noted in my 30 April document: The Trust for Public Land, the group that presented the Mangels Ranch to the State, was not mentioned in the report; the ocean vistas from Mangels were not mentioned but the Overlook site was; and there was little mention of the large number redwoods in the Mangels Ranch clusters (866) of which about 40% are old-growth trees, and there was no mention of the educational values of Mangels Ranch.

One of the more important features of the Mangels Ranch area now is the new awareness that this area may contain the largest area of Santa Cruz Oak which had not been cut during lumbering operations or cut for firewood. Agnes Tillman van Eck, a descendant of Claus Mangels, owned the Mangels Ranch area that has been acquired by the State. Her husband, Baron Jan Carel van Eck, founder and president of Shell Oil company in the U.S., joined Save the Redwoods League in 1911. The van Ecks protected the trees in what was called Happy Valley (see page 5, Fig. 3 in my 30 April document). Among the trees are the very old and large Santa Cruz oaks and the 30 unlogged redwood clusters.

The three areas mentioned above, including the Pourroy area, are all important and each has valuable attributes. What is most important is that educational, nature appreciation, contemplative hiking, and scientific research values would be seriously degraded with bike and horse use in each of the areas.

If the EIR is to warn of future negative impacts, then it should say that an all year bridge should not be used by horses and bikes, especially in winter.

The most damaging thing to the park is the recommendation by the Advocates which was not mentioned in the 27 March preliminary report. This was a suggestion to construct a "multiuse" trail through the Mangels Ranch which would extend from the "saddle" area of the Wilderness trail in very erodible soil on steep slopes through an almost pristine woodland of redwood and Santa Cruz Oak to George's picnic area. The preferred Plan B does not show any indication of such a trail.

This trail would greatly degrade the values of the Mangels Ranch and must be recommended against in the EIR. The EIR concentrates on future new development, and this recommendation must be rejected. This is a test of the importance of protecting habitat through an EIR. This trail is suggested by the Advocates solely to *"reduce traffic on the entrance fire road (and reduce trespassing in the private Monte Toyon property.)* They are apparently not concerned about the true natural values of the area. To be protected for almost 100 years then allowed to be degraded physically and ecologically to allow for more bike and horse use is unconscionable.

The trespassing is by less than 5 horse riders from near the park. Is it proper for the State to spend money and destroy valuable habitat to serve those trespassers?

Dan Miller

Dan Miller 735 Cathedral Dr., Aptos CA 95003
cc Mary Nichols, Bill Berry, Dave Vincent, Ralph Fairfield, Nedra Martinez, Barbi Barry, Kirk Lingenfelter.

From : "llynora" <llynora@hotmail.com>
To : <ixnae@aol.com>
CC : <llynora@hotmail.com>
Subject : re: the general plan for Nisene Marks Park
Date : Sat, 10 May 2003 10:29:24 -0700

Please forward this letter to the proper persons:

As a close neighbor of Nisene Marks Park I see great problems in any kind of expansion for the Park. I live off of Soquel Drive and all the neighbors are constantly bothered by not only deer that come into our yards because of thier habitat being destroyed daily, but are also bothered by boar that come down from Nisene. The animals that are in the park deserve to have a place to roam. And the surrounding neighbors deserve not to have wild animals in our yards. Further building there will only escalate that problem. I also feel empathy for the abundant bird life and plant life that currently exist in the park. It is a known fact for the propogation of this life there needs to be large areas away from the disturbance of cars and dogs and people. Please consider these points when deciding on any form of expansion in the park. I am grateful their are many existing places in Santa Cruz people can go to experience nature that already have visitor centers and pathways for the handicap. I do not think we need to destroy a natural setting for the sake of building up our natural state park land.

Thank you,
Lynora and Paul L'Wine

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ATTORNEYS AT LAW

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HEIDI SIMONSON
MARKUS W. McMILLIN

May 12, 2003

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NORTHERN SERVICE
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California State Parks
Northern Service Center
ATTN: Ellen Wagner
PO Box 942896
Sacramento, CA 94296-0001

Re: Nisene Marks State Park General Plan

Dear Ms. Wagner,

This letter is written on behalf of Mountain Bikers of Santa Cruz ("MBOSC"), and the undersigned. FYI, MBOSC is a 501(c)(3) non-profit organization which is devoted to support and promote the activity of mountain biking as a healthful and environmentally sound pursuit.

It is our belief that mountain bikers constitute a large, and ever growing user group within the park. It is our hope that the new General Plan will permit the development of a trails plan that will expand mountain biking within the park, and allow mountain biking on not only fire roads, but on existing and/or new trails.

In general, we support the Preliminary General Plan / Draft EIR. The plan seems to demonstrate balanced concerns for natural resource preservation while providing for appropriate recreational opportunities.

I submit the following specific comments:

Recreational Resources - significant REGIONAL recreational opportunities are possible in Nisene Marks. We encourage you to develop regional trail connections with other parks and recreation areas. Bicycle trailers and/or panniers facilitate long-distance bicycle camping tours along narrow trails as well as dirt roads, especially for people with back problems that prohibit carrying a loaded pack. We approve of your interpretation that cycling is an activity related to camping and is thus not prohibited by the deed restrictions.

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Cussacks Meadows Trail is a heavily trail that in our estimation may see at least as many visitors as the West Ridge Trail and should be opened to bicycles, as should the West Ridge Trail, with limited re-design and re-routing.

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We view the numbers provided for use patterns by the volunteer survey (page 67-68) with skepticism. It appears that this survey did not monitor Mt. Rosalia and is thus probably significantly flawed. It is very likely that several hundred mountain bikers

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may pass through the Mt. Rosalia area on a busy summer weekend day. This seems to contradict the idea that very few people venture to the upper reaches of Nisene Marks and that intense use only originates at the bottom of the park.

General Plan -We support the proposal to designate all of Nisene Marks as a State Park, rather than Natural Preserve or other unit classification. We believe overlaying this classification with Land Management Zones is appropriate and will achieve the goals of balancing resource protection with public access and recreation. The Natural and Cultural Resources section of the plan are broadly written and should provide good guidance for management of the park and protection of its resources. In the Visitor Use and Development section, the development of a future Unit Trails Plan is described. We support this approach and hope that it will be the very next planning action upon adoption of the General Plan.

Use Intensity Zones - We note that on page 110 it is indicated that biking could be permitted in the Low Intensity Recreation Zone. Because this zone will lie adjacent to nearly all of Soquel Forest's southern boundary, we feel this is appropriate. The Ridge Trail in Soquel Forest runs immediately adjacent to the boundary with Nisene Marks. We feel our management of this multi-use trail meets all of the stated goals and guidelines for this zone, including "Managing the area for a low tolerance for resource degradation through visitor use", and "Locate and design trails to provide access in areas where they would have the least impact on wildlife habitat and ecological systems". We believe that we are providing an excellent example for Nisene Marks of a trail that demonstrates careful trail design and maintenance that results in an environmentally friendly and sustainable multi-use trail. 131

We also note that recreational use is limited to trails and is intended to be primarily for interpretive purposes. We support this guideline and encourage the provision of interpretive trails suitable for mountain biking as well as hiking. We are currently developing an interpretive trail network within Soquel Forest with the specific aim of providing educational information for long-distance ventures by mountain bicyclists and equestrians as well as hikers. We believe that interpretive trails should not be limited to short lengths only appropriate for walkers (such as a mile or two) but should also be adapted to fully serve farther-ranging trail users. We believe that small, low profile placards would be suitable for trailside use in this management zone to accomplish the interpretive goals.

Remote Staging / Parking Areas - On page 109 it states additional parking on Highland Way would be possible if there is a willing seller. This is true, however we believe that it would be possible to develop additional parking off of Buzzard Lagoon Fireroad inside the northern boundary of Nisene Marks without needing to acquire additional land in this area (although we also strongly support such potential acquisitions). The presence of a developed staging area in this region should help curb some of the destructive illegal activities that are ongoing there, and should not be delayed in the event that new lands cannot be acquired in the short term. 132

We also support development of additional parking on Olive Springs, but would encourage you to consider other means of accomplishing this, such as leasing the land or acquiring an easement for public use, in addition to purchasing land from a willing seller.

Land Acquisition - On page 114, the plan indicates a number of locations where additional land could be purchased for addition to Nisene Marks. We would support acquisition of land both adjacent and near to Nisene Marks, especially to the north. We believe if the parcels are large enough they need not be immediately adjacent to the park to be worthy additional units. This could not only accomplish the goals of providing additional parking or staging areas or regional connections to other public lands, but could simply to enlarge the park, and thereby protecting more of this beautiful area and providing public access and the protections of parkland.

Issue Resolution - We support the analysis given that some issues brought to light during the development of the General Plan are worthy of further study. In particular, we hope that work on a Trails Plan will commence as soon as possible.

Draft EIR - The Draft Environmental Impact Report appears to be adequate and to account for potential specific or cumulative impacts to the environment from adoption of this program-level General Plan. We understand that any future project would require appropriate environmental analysis to ensure no negative impacts on the environment.

We believe that appropriate avoidance or mitigation measures should be adopted at the time any project is planned to account for aesthetic, biological, cultural, watershed or geologic impacts through increased public use. Furthermore, although it is not required by CEQA, we expect that social impacts will also be evaluated to ensure that all park visitors are able to experience a high-quality environment when they visit the Forest of Nisene Marks State Park.

Very truly yours,

BASKIN & GRANT, LLP, by

A handwritten signature in black ink, appearing to read 'David Green Baskin', written over the printed name.

DAVID GREEN BASKIN

DGB:ia

Regional Open Space

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

May 12, 2003

California State Parks
Northern Service Center
Attention: Ellen Wagner
P.O. Box 942896
Sacramento, CA 94296-0001

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Dear Ms. Wagner;

The Midpeninsula Regional Open Space District (District) appreciates the opportunity to review the *Preliminary General Plan / Draft Environmental Impact Report for The Forest of Nisene Marks State Park*, dated March 2003. We provide the following comment on the General Plan, focusing in particular on the recreational trail component.

Last December, the District acquired two additions to the nearly 15,000-acre Sierra Azul Open Space Preserve totaling 1,320 acres, which are adjacent to Soquel Demonstration Forest and close to The Forest of Nisene Marks State Park. In addition to containing outstanding wildlife habitat and biological diversity, these properties offer an outstanding opportunity to make key regional trail connections, including connecting the Bay Area Ridge Trail to Santa Cruz County's Coastal Trail and connecting Sierra Azul to state park and forest lands. (See enclosed map and 1998 Regional Open Space Study.) We are pleased to note State Parks' stated goal of connecting to adjacent regional trail systems (page 92) and to note that several implementation options are possible as shown on Alternatives B and C. We look forward to working together to make this trail a reality. We are close to starting a master planning effort at our Sierra Azul Open Space Preserve and will welcome input from State Parks during the planning process.

If you have any questions, please feel free to contact Sandy Sommer, Senior Planner at 650-691-1200 or via email at ssommer@openspace.org.

Sincerely,


L. Craig Britton
General Manager

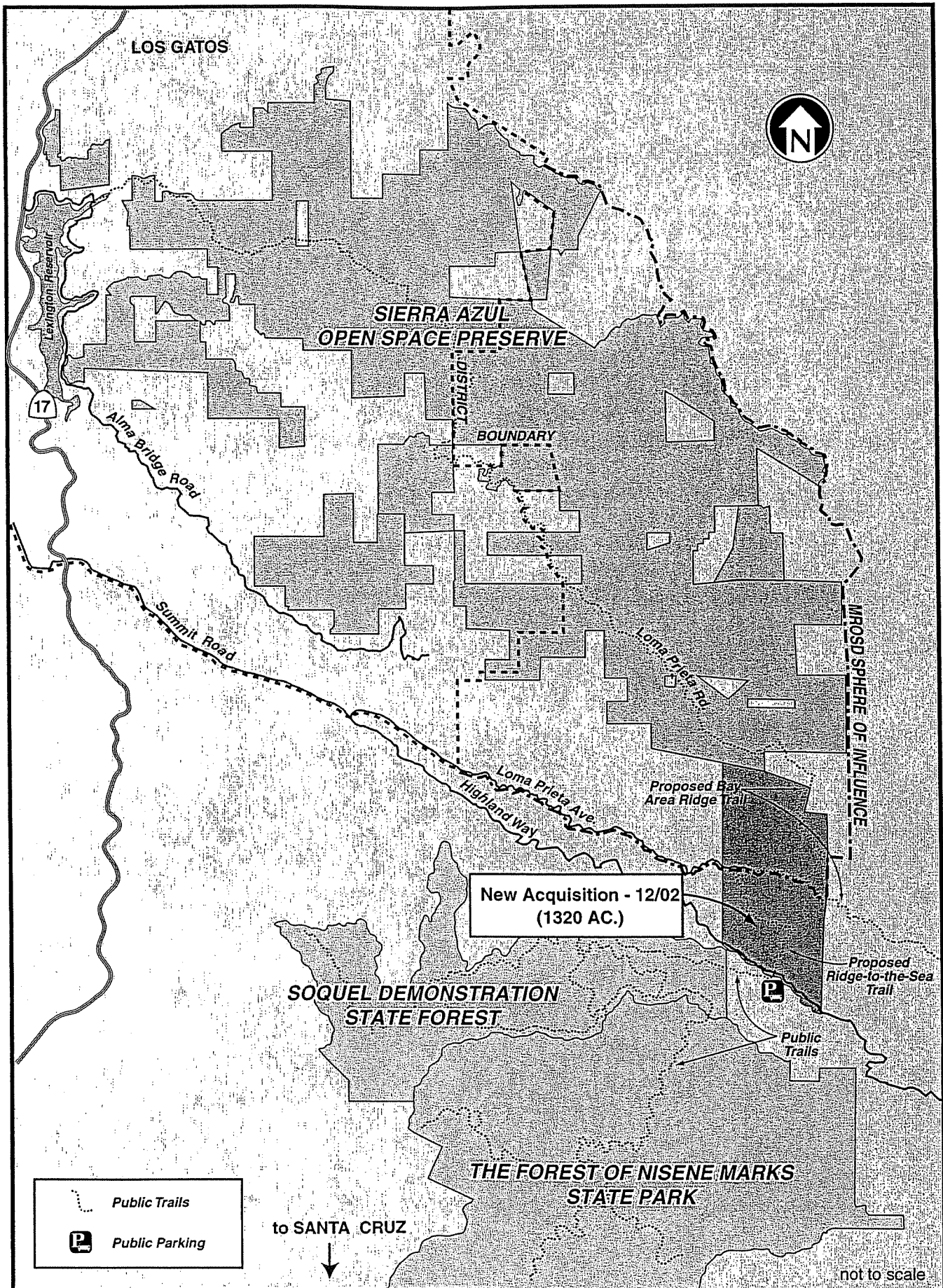
LCB:sgs
Enclosure

cc: Board of Directors

Lisa Killough, Director, Santa Clara County Parks and Recreation Department
Barry Samuel, Director, Santa Cruz County Parks Department

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Midpeninsula Regional Open Space District



REGIONAL LOCATION MAP



SIERRA
CLUB
FOUNDED 1892

Santa Cruz County Group of the Ventana Chapter

P.O. Box 604, Santa Cruz, California 95061 phone: (831) 426-4453

FAX (831) 426-5323 web: www.ventana.org e-mail: scscrg@cruzio.com

May 8, 2003

California State Parks,
Northern Service Center
P.O. Box 942896,
Sacramento, CA 94296-0001.

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Attn: Ellen Wagner

Dear Ms. Wagner,

We have circulated the enclosed petitions at recent events in Santa Cruz County to collect signatures in response to the Preliminary General Plan/DEIR for The Forest of Nisene Marks State Park. In addition, individual activists also circulated the petitions.

For reasons stated in the petition, the Santa Cruz County Group of the Sierra Club is opposed to the Preliminary General Plan/DEIR in its current form. Please include those who have signed the petition in the comment process for the Preliminary Plan.

Thank you for the opportunity to participate in this process.

Sincerely,

George Jammal
Co-chair
Sierra Club
Santa Cruz County Group

"...to explore, enjoy and protect the wild places of the earth."

Petition on the Forest of the Nisene Marks General Plan Draft Environmental Impact Report

To: Ellen Wagner, Associate Park and Recreation Specialist
California State Parks, Northern Service Center

We, the undersigned, endorse Sierra Club's position regarding the Draft environmental impact statement for the **Forest of Nisene Marks State Park (FNMSP)** General Plan.

Most of the FNMSPP was conveyed to the State by the Marks family in 1963 with the stipulation that their gift must "be preserved for all time as a natural preserve." The FNMSPP General Plan will be the blueprint for management of the Park for generations to come. With increased population, rising park use, and pressure from user groups to expand Park uses, we need to insure that decisions regarding future planning and management of the FNMSPP are consistent with the intent of the Marks family, and are determined by sound scientific practices.

The Santa Cruz County Group of the Sierra Club finds the Draft EIR to be both insufficient and flawed. The level of analysis in this document is insufficient to determine the impacts of alternatives currently considered, including: placement of facilities, use-intensities designated the park, natural preserve designations, cumulative impacts, carrying capacity, and the commitment of future Park resources. Specifically we ask that:

1) **A comprehensive biological inventory of the Park be completed** and the results integrated in to the final EIR in order to properly fulfill California Environmental Quality Act regulations. Without such an inventory State Parks cannot effectively analyze the potential need for special designations such as natural preserve(s).

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2) **The General Plan include a comprehensive trail plan**, with decision-making based on proven scientific methods. This is critical, in order to assess cumulative impacts of trails and other development within the park.

135

3) **State Parks protect the potentially unique habitat values of Mangels Ranch and other areas in the park**, which, after the biological inventory, are found to have important or unique habitat values. Such areas should be designated as low intensity areas, and preclude bicycle and horse use, in order to protect the habitats and reserve the areas for activities that focus on nature and are not compatible with higher intensity uses.

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Name	Address	Phone number
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Jeff Matlock	same	"
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Wm. F. Monaghan	301 Chace St. Santa Cruz 95060	
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Vivienne Orgel	POB 100 Santa Cruz 95063	
Susan Brashenbury	255 Cottrell Way SC CA 95060	
Kelly Hildner	139 Peach Ter SC CA 95060	
Mark L. Hildner	139 Peach Ter SC CA 95060	
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Jim Monaghan	301 Chace St. Santa Cruz, CA 95060	
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Russell Brutsche	133 Glenwood AV S. Cruz CA 95060	
Kenny Juarez	3445 Mission Dr. SC, CA 95065	
Rebecca Ray	880 W Cliff Dr. #6 SC, CA 95060	
MARI GUNN	100 Campbell St #7 SC, CA 95060	
Gloria Spitzer	1042 Nobel Dr SC, CA 95060	
Brendan Graham	120 Wack Circle SC, CA 95060	
Lydia Blanchard	PO Box 8302 Santa Cruz, CA 95061	
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James Borsinger	426 C Pennsylvania Ave Santa Cruz, CA 95062	
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Petition on the Forest of the Nisene Marks General Plan Draft Environmental Impact Report

To: Ellen Wagner, Associate Park and Recreation Specialist
California State Parks, Northern Service Center

We, the undersigned, endorse Sierra Club's position regarding the Draft environmental impact statement for the **Forest of Nisene Marks State Park (FNMSP) General Plan**.

Most of the FNMSP was conveyed to the State by the Marks family in 1963 with the stipulation that their gift must "be preserved for all time as a natural preserve." The FNMSP General Plan will be the blueprint for management of the Park for generations to come. With increased population, rising park use, and pressure from user groups to expand Park uses, we need to insure that decisions regarding future planning and management of the FNMSP are consistent with the intent of the Marks family, and are determined by sound scientific practices.

The Santa Cruz County Group of the Sierra Club finds the Draft EIR to be both insufficient and flawed. The level of analysis in this document is insufficient to determine the impacts of alternatives currently considered, including: placement of facilities, use-intensities designated the park, natural preserve designations, cumulative impacts, carrying capacity, and the commitment of future Park resources. Specifically we ask that:

- 1) **A comprehensive biological inventory of the Park be completed** and the results integrated in to the final EIR in order to properly fulfill California Environmental Quality Act regulations. Without such an inventory State Parks cannot effectively analyze the potential need for special designations such as natural preserve(s).
- 2) **The General Plan include a comprehensive trail plan**, with decision-making based on proven scientific methods. This is critical, in order to assess cumulative impacts of trails and other development within the park.
- 3) **State Parks protect the potentially unique habitat values of Mangels Ranch and other areas in the park**, which, after the biological inventory, are found to have important or unique habitat values. Such areas should be designated as low intensity areas, and preclude bicycle and horse use, in order to protect the habitats and reserve the areas for activities that focus on nature and are not compatible with higher intensity uses.

Name	Address	Phone number
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Paul Blue	351 Redwood HTS RD APTOS 95003	
Hand J. V. V.	418 HILL CREST DR APTOS 95003	661-0975
Patricia R. Miller	735 Cathedral Dr APTOS 95003	688 3792
Daniel J. Miller	735 Cathedral Dr Aptos 95003	"

Petition on the Forest of the Nisene Marks General Plan Draft Environmental Impact Report

To: Ellen Wagner, Associate Park and Recreation Specialist
California State Parks, Northern Service Center

We, the undersigned, endorse Sierra Club's position regarding the Draft environmental impact statement for the **Forest of Nisene Marks State Park (FNMSP)** General Plan.

Most of the FNMSPP was conveyed to the State by the Marks family in 1963 with the stipulation that their gift must "be preserved for all time as a natural preserve." The FNMSPP General Plan will be the blueprint for management of the Park for generations to come. With increased population, rising park use, and pressure from user groups to expand Park uses, we need to insure that decisions regarding future planning and management of the FNMSPP are consistent with the intent of the Marks family, and are determined by sound scientific practices.

The Santa Cruz County Group of the Sierra Club finds the Draft EIR to be both insufficient and flawed. The level of analysis in this document is insufficient to determine the impacts of alternatives currently considered, including: placement of facilities, use-intensities designated the park, natural preserve designations, cumulative impacts, carrying capacity, and the commitment of future Park resources. Specifically we ask that:

- 1) **A comprehensive biological inventory of the Park be completed** and the results integrated in to the final EIR in order to properly fulfill California Environmental Quality Act regulations. Without such an inventory State Parks cannot effectively analyze the potential need for special designations such as natural preserve(s).
- 2) **The General Plan include a comprehensive trail plan**, with decision-making based on proven scientific methods. This is critical, in order to assess cumulative impacts of trails and other development within the park.
- 3) **State Parks protect the potentially outstanding habitat values of Mangels Ranch and other areas in the park**, which, after the biological inventory, are found to have important or outstanding habitat values. Such areas should be designated as low intensity areas, and preclude bicycle and horse use, in order to protect the habitats and reserve the areas for activities that focus on nature and are not compatible with higher intensity uses.

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Petition on the Forest of the Nisene Marks General Plan Draft Environmental Impact Report

To: Ellen Wagner, Associate Park and Recreation Specialist
California State Parks, Northern Service Center

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-6528

In Response refer to:
May 13, 2003 151422SWR03SR8652:BLS

Ms. Ellen Wagner
California State Parks
Northern Service Center
P.O. Box 942896
Sacramento, California 94296-0001

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MAY 15 2003

NORTHERN SERVICE
CENTER

Dear Ms. Wagner:

Thank you for providing the National Marine Fisheries Service (NOAA Fisheries) with the opportunity to comment on the California Department of Parks and Recreation's (State Parks) Preliminary General Plan/Draft Environmental Impact Report (Plan) for The Forest of Nisene Marks State Park (Park). The March 27, 2003, Plan, received in our office on March 31, 2003, outlines proposed long-term management, development, and operations for the Park. The 10,036-acre Park is located near the City of Aptos, Santa Cruz County, California.

The creeks that flow within the Park contain populations of Central California Coast (CCC) Evolutionarily Significant Unit (ESU) steelhead (*Oncorhynchus mykiss*) listed as a threatened species on August 18, 1997 (62 FR 43937) pursuant to the Endangered Species Act (ESA) of 1973, as amended. Critical habitat for steelhead was designated on February 16, 2000 (65 FR 7764). However, the critical habitat designation for CCC ESU steelhead was recently vacated by NOAA Fisheries and is currently undergoing further review. Regulations deemed necessary and advisable for their conservation were adopted under section 4(d) of the ESA and went into effect on September 8, 2000.

The creeks that flow within the Park may also contain a small population of CCC ESU coho salmon (*O. kisutch*) listed as a threatened species on October 31, 1996 (61 FR 56138) pursuant to the ESA of 1973, as amended. Critical habitat was designated on May 5, 1999 (64 FR 24049). Populations of coho salmon and steelhead within this ESU are at critically low levels. Any adverse impacts must be minimized to assure that these species do not become extinct.

NOAA Fisheries' review of the Plan is focused primarily on the potential effects of the Plan on CCC ESU steelhead and coho salmon. Potential effects include "take" of listed species and impacts to critical habitat. The ESA broadly defines "take" to mean harass, harm, hunt, shoot,



wound, kill, trap, capture, or collect. The ESA prohibits take of a listed species except in cases where the take is incidental to, and not the purpose of, an otherwise legal activity. Comments expressed below are in general topics and not as levels or ranking of concern by NOAA Fisheries.

ESA Consultations

NOAA Fisheries acknowledges State Parks' finding that some of the Plan's actions will require consultation under section 7 of the ESA. Alternatively, some of the actions proposed in the Plan will not require section 7 consultation due to the absence of a Federal nexus. For example, adding new facilities to the Park or, trail maintenance are two actions that may affect listed species but may not require Federal authorization or funding. In these and similar cases, it is recommended State Parks seek technical assistance from NOAA Fisheries to determine if a proposed action may affect a listed species or adversely modify critical habitat, and what type of ESA authorization and protection the proposed action might require.

Stream crossings

According to Figure 8 of the Plan (Preferred Plan map), there appears to be approximately 9 stream crossings within the Park. The Plan does not address the condition, type, or maintenance of these crossings. NOAA Fisheries is concerned these crossings (1) may be affecting upstream and downstream passage of migrating salmonids; (2) may be causing habitat degradation; and (3) may eventually fail and cause fish passage barriers. For your review, attached to this letter is NOAA Fisheries Southwest Region's *Guidelines for Salmonid Passage at Stream Crossings*.

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In addition to the existing stream crossings, long segments of trails and roads appear to be in close proximity to streams. NOAA Fisheries supports State Parks' goal to remedy human-caused soil erosion and stream sedimentation problems ("as resources permit"). NOAA Fisheries is concerned mountain bikes, foot trails, and horses may be affecting listed salmonids and their habitat. NOAA Fisheries suggests State Parks evaluate re-locating trails further up slope from streams to minimize impacts to listed salmonids.

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Survey data

NOAA Fisheries encourages State Parks to meet its goal to periodically survey and assess the quality of spawning and rearing habitat of salmonids. To aid in our recovery efforts of listed species, NOAA Fisheries requests the survey data be submitted to our Santa Rosa Field Office.

Fishing

According to the Plan, recreational fishing in Aptos Creek is permitted from the mouth up to the Steel Bridge and is subject to California Department of Fish and Game (CDFG) regulations. Fishing, although legally carried out under California's recreational fishing regulations, is not

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currently permitted under the Federal ESA. The take of threatened steelhead in Aptos Creek by anglers fishing under California's recreational fishing regulations is prohibited by the ESA, and the CDFG is aware of this. It is important to note NOAA Fisheries has not sought to regulate California's inland fishing activities under authority of the ESA. NOAA Fisheries fully expects that the California Fish and Game Commission will take the appropriate action to bring California's fishing regulations into compliance with federal law. Further, NOAA Fisheries is concerned if and how State Parks is minimizing the effect recreational fishing has on listed species within the Park boundaries and State Parks' strategy to monitor their minimization efforts.

NOAA Fisheries appreciates the opportunity to comment on the Preliminary General Plan/Draft Environmental Impact Report for The Forest of Nisene Marks State Park. If you have any questions or concerns regarding this letter, please contact Mr. Bill Stevens at (707) 575-6016, or via e-mail at William.Stevens@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Rutten". The signature is fluid and cursive, with a large, stylized "P" and "R".

Patrick J. Rutten
Northern California Supervisor
Protected Resources Division

cc: J. Lecky - NOAA Fisheries
K. Urquhart - CDFG, Monterey



National Marine Fisheries Service Southwest Region



GUIDELINES FOR SALMONID PASSAGE AT STREAM CROSSINGS

1.0 INTRODUCTION

This document provides guidelines for design of stream crossings to aid upstream and downstream passage of migrating salmonids. It is intended to facilitate the design of a new generation of stream crossings, and assist the recovery of threatened and endangered salmon species. These guidelines are offered by the National Marine Fisheries Service, Southwest Region (NMFS-SWR), as a result of its responsibility to prescribe fishways under the Endangered Species Act, the Magnuson-Stevens Act, the Federal Power Act, and the Fish and Wildlife Coordination Act. The guidelines apply to all public and private roads, trails, and railroads within the range of anadromous salmonids in California.

Stream crossing design specifications are based on the previous works of other resource agencies along the U.S. West Coast. They embody the best information on this subject at the time of distribution. Meanwhile, there is mounting evidence that impassable road crossings are taking a more significant toll on endangered and threatened fish than previously thought. New studies are revealing evidence of the pervasive nature of the problem, as well as potential solutions. Therefore, this document is appropriate for use until revised, based on additional scientific information, as it becomes available.

The guidelines are general in nature. There may be cases where site constraints or unusual circumstances dictate a modification or waiver of one or more of these design elements. Conversely, where there is an opportunity to protect salmonids, additional site-specific criteria may be appropriate. Variances will be considered by the NMFS on a project-by-project basis. When variances from the technical guidelines are proposed, the applicant must state the specific nature of the proposed variance, along with sufficient biological and/or hydrologic rationale to support appropriate alternatives. Understanding the spatial significance of a stream crossing in relation to salmonid habitat within a watershed will be an important consideration in variance decisions.

The Hydraulic Design method requires hydrologic data analysis, open channel flow hydraulic calculations and information on the swimming ability and behavior of the target group of fish. This design method can be applied to the design of new and replacement culverts and can be used to evaluate the effectiveness of retrofits of existing culverts.

- **Culvert Width** - The minimum culvert width shall be 3 feet.
- **Culvert Slope** - The culvert slope shall not exceed the slope of the stream through the reach in which it is being placed. If embedment of the culvert is not possible, the maximum slope shall not exceed 0.5%.
- **Embedment** - Where physically possible, the bottom of the culvert shall be buried into the streambed a minimum of 20% of the height of the culvert below the elevation of the tailwater control point downstream of the culvert. The minimum embedment should be at least 1 foot. Where physical conditions preclude embedment, the hydraulic drop at the outlet of a culvert shall not exceed the limits specified above.

Hydrology for Fish Passage under the Hydraulic Design Method

- **High Fish Passage Design Flow** - The high design flow for adult fish passage is used to determine the maximum water velocity within the culvert. Where flow duration data is available or can be synthesized the high fish passage design flow for adult salmonids should be the 1% annual exceedance. If flow duration data or methods necessary to compute them are not available then 50% of the 2 year flood recurrence interval flow may be used as an alternative. Another alternative is to use the discharge occupied by the cross-sectional area of the active stream channel. This requires detailed cross section information for the stream reach and hydraulic modeling. For upstream juvenile salmonid passage the high design flow should be the 10% annual exceedance flow.
- **Low Fish Passage Design Flow** - The low design flow for fish passage is used to determine the minimum depth of water within a culvert. Where flow duration data is available or can be synthesized the 50% annual exceedance flow or 3 cfs, whichever is greater, should be used for adults and the 95% annual exceedance flow or 1 cfs, whichever is greater, should be used for juveniles.

Maximum Average Water Velocities in the Culvert at the High Fish Passage Design Flow - Average velocity refers to the calculated average of velocity within the barrel of the culvert. Juveniles require 1 fps or less for upstream passage for any length culvert at their High Fish Passage Design Flow. For adult salmonids use the following table to determine the maximum velocity allowed.

Culvert Length (ft)	Velocity (fps) - Adult Salmonids
<60	6
60-100	5
100-200	4
200-300	3
>300	2

Minimum Water Depth at the Low Fish Passage Design Flow - For non-embedded culverts, minimum water depth shall be twelve 12 inches for adult steelhead and salmon, and six 6 inches for juvenile salmon.

Juvenile Upstream Passage - Hydraulic design for juvenile upstream passage should be based on representative flows in which juveniles typically migrate. Recent research (NMFS, 2001, in progress) indicates that providing for juvenile salmon up to the 10% annual exceedance flow will cover the majority of flows in which juveniles have been observed moving upstream. The maximum average water velocity at this flow should not exceed 1 fps. In some cases over short distances 2 fps may be allowed.

Maximum Hydraulic Drop - Hydraulic drops between the water surface in the culvert and the water surface in the adjacent channel should be avoided for all cases. This includes the culvert inlet and outlet. Where a hydraulic drop is unavoidable, its magnitude should be evaluated for both high design flow and low design flow and shall not exceed 1 foot for adults or 6 inches for juveniles. If a hydraulic drop occurs at the culvert outlet, a jump pool of at least 2 feet in depth should be provided.

3.4 Structural Design and Flood Capacity

All culvert stream crossings, regardless of the design option used, shall be designed to withstand the 100-year peak flood flow without structural damage to the crossing. The analysis of the structural integrity of the crossing shall take into consideration the debris loading likely to be encountered during flooding. Stream crossings or culverts located in areas where there is significant risk of inlet plugging by flood borne debris should be designed to pass the 100-year peak flood without exceeding the top of the culvert inlet (Headwater-to-Diameter Ratio less than one). This is to ensure a low risk of channel degradation, stream diversion, and failure over the life span of the crossing. Hydraulic capacity must be compensated for expected deposition in the culvert bottom.

3.5 Other Hydraulic Considerations

Besides the upper and lower flow limit, other hydraulic effects need to be considered, particularly when installing a culvert:

- Water surface elevations in the stream reach must exhibit gradual flow transitions, both upstream and downstream. Abrupt changes in water surface and velocities must be avoided, with no hydraulic jumps, turbulence, or drawdown at the entrance. A continuous low flow channel must be maintained throughout the entire stream reach.
- In addition, especially in retrofits, hydraulic controls may be necessary to provide resting pools, concentrate low flows, prevent erosion of stream bed or banks, and allow passage of bedload material.

temporary crossing in the stream network is not a fish passage concern at the time of the project, then the construction activity only needs to minimize erosion, sediment delivery, and impact to surrounding riparian vegetation.

Culverts shall only be installed in a de-watered site, with a sediment control and flow routing plan acceptable to NMFS or CDFG. The work area shall be fully restored upon completion of construction with a mix of native, locally adapted, riparian vegetation. Use of species that grow extensive root networks quickly should be emphasized. Sterile, non-native hybrids may be used for erosion control in the short term if planted in conjunction with native species.

Construction disturbance to the area should be minimized and the activity should not adversely impact fish migration or spawning. If salmon are likely to be present, fish clearing or salvage operations should be conducted by qualified personnel prior to construction. If these fish are listed as threatened or endangered under the federal or state Endangered Species Act, consult directly with NMFS and CDFG biologists to gain authorization for these activities. Care should be taken to ensure fish are not chased up under banks or logs that will be removed or dislocated by construction. Return any stranded fish to a suitable location in a nearby live stream by a method that does not require handling of the fish.

If pumps are used to temporarily divert a stream to facilitate construction, an acceptable fish screen must be used to prevent entrainment or impingement of small fish. Contact NMFS or CDFG hydraulic engineering staff for appropriate fish screen specifications. Unacceptable wastewater associated with project activities shall be disposed of off-site in a location that will not drain directly into any stream channel.

6.0 POST-CONSTRUCTION EVALUATION AND LONG TERM MAINTENANCE AND ASSESSMENT

Post-construction evaluation is important to assure the intended results are accomplished, and that mistakes are not repeated elsewhere. There are three parts to this evaluation:

- 1) Verify the culvert is installed in accordance with proper design and construction procedures.
- 2) Measure hydraulic conditions to assure that the stream meets these guidelines.
- 3) Perform biological assessment to confirm the hydraulic conditions are resulting in successful passage.

NMFS and/or CDFG technical staff may assist in developing an evaluation plan to fit site-specific conditions and species. The goal is to generate feedback about which techniques are working well, and which require modification in the future. These evaluations are not intended to cause extensive retrofits of any given project unless the as-built installation does not reasonably conform to the design guidelines, or an obvious fish passage problem continues to exist. Over time, the

NMFS anticipates that the second and third elements of these evaluations will be abbreviated as clear trends in the data emerge.

Any physical structure will continue to serve its intended use only if it is properly maintained. During the storm season, timely inspection and removal of debris is necessary for culverts to continue to move water, fish, sediment, and debris. In addition, all culverts should be inspected at least once annually to assure proper functioning. Summary reports should be completed annually for each crossing evaluated. An annual report should be compiled for all stream crossings and submitted to the resource agencies. A less frequent reporting schedule may be agreed upon for proven stream crossings. Any stream crossing failures or deficiencies discovered should be reported in the annual cycle and corrected promptly.

8.0 DEFINITIONS

These definitions apply to terms used in this document. Meanings may differ when used in another context and are not legal unless otherwise noted. Definitions were shortened, paraphrased or adapted to fit regional conditions and for ease of understanding.

Active Channel: A waterway of perceptible extent that periodically or continuously contains moving water. It has definite bed and banks which serve to confine the water and includes stream channels, secondary channels, and braided channels. It is often determined by the "ordinary high water mark" which means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Bankfull: The point on a streambank at which overflow into the floodplain begins. The floodplain is a relatively flat area adjacent to the channel constructed by the stream and overflowed by the stream at a recurrence interval of about one to two years. If the floodplain is absent or poorly defined, other indicators may identify bankfull. These include the height of depositional features, a change in vegetation, slope or topographic breaks along the bank, a change in the particle size of bank material, undercuts in the bank, and stain lines or the lower extent of lichens and moss on boulders. Field determination of bankfull should be calibrated to known stream flows or to regional relationships between bankfull flow and watershed drainage area.

Bedload: Sand, silt, and gravel, or soil and rock debris rolled along the bottom of a stream by the moving water. The particles of this material have a density or grain size which prevents movement far above or for a long distance out of contact with the streambed under natural flow conditions.

Fish Passage: The ability of both adult and juvenile fish to move both up and down stream.

Flood Frequency: The frequency with which a flood of a given discharge has the probability of recurring. For example, a "100-year" frequency flood refers to a flood discharge of a magnitude

likely to occur on the average of once every 100 years or, more properly, has a one-percent chance of being exceeded in any year. Although calculation of possible recurrence is often based on historical records, there is no guarantee that a "100-year" flood will occur at all within the 100-year period or that it will not recur several times.

Flood Prone Zone: Spatially, this area generally corresponds to the modern floodplain, but can also include river terraces subject to significant bank erosion. For delineation, see definition for floodplain.

Floodplain: The area adjacent to the stream constructed by the river in the present climate and inundated during periods of high flow.

Flow Duration Curve: A cumulative frequency curve that shows the percentage of time that specified discharges are equaled or exceeded. Flow duration curves are usually based on daily streamflow and describe the flow characteristics of a stream throughout a range of discharges without regard to the sequence of occurrence. If years of data are plotted the annual exceedance flows can be determined.

Ordinary High Water Mark: The mark along the bank or shore up to which the presence and action of the water are common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics.

Roads: For purposes of these guidelines, roads include all sites of intentional surface disturbance for the purpose of vehicular or rail traffic and equipment use, including all surfaced and unsurfaced roads, temporary roads, closed and inoperable roads, legacy roads, skid trails, tractor roads, layouts, landings, turnouts, seasonal roads, fire lines, and staging areas.

Section 10 and 404 Regulatory Programs: The principal federal regulatory programs, carried out by the U.S. Army Corps of Engineers, affecting structures and other work below mean high water. The Corps, under Section 10 of the River and Harbor Act of 1899, regulates structures in, or affecting, navigable waters of the U.S. as well as excavation or deposition of materials (e.g., dredging or filling) in navigable waters. Under Section 404 of the Federal Water Pollution Control Act Amendments (Clean Water Act of 1977), the Corps is also responsible for evaluating application for Department of the Army permits for any activities that involve the placement of dredged or fill material into waters of the United States, including adjacent wetlands.

Waters of the United States: Currently defined by regulation to include all navigable and interstate waters, their tributaries and adjacent wetlands, as well as isolated wetlands and lakes and intermittent streams.

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- Ziemer, G.L. 1961. *Fish Transport in Waterways*. Alaska Dept. of Fish and Game, 2 pages.

Internet Resources:

California Department of Fish and Game

<http://www.dfg.ca.gov>

National Marine Fisheries Service Southwest Region

<http://swr.nmfs.noaa.gov>

Washington Department of Fish and Wildlife Fish Passage Technical Assistance

<http://www.wa.gov/wdfw/hab/engineer/habeng.htm>

Oregon Road/Stream Crossing Restoration Guide, Spring 1999 (with ODFW criteria)

<http://www.nwr.noaa.gov/1salmon/salmesa/4ddocs/orfishps.htm>

FishXing software and learning systems for the analysis of fish migration through culverts

<http://www.stream.fs.fed.us/fishxing/>

USDA Forest Service Water-Road Interaction Technology Series Documents

<http://www.stream.fs.fed.us/water-road/index.html>

British Columbia Forest Practices Code Stream Crossing Guidebook for Fish Streams

<http://www.for.gov.bc.ca/tasb/legsregs/fpc/fpcguide/stream/str-toc.htm>

Please direct questions regarding this material to:

National Marine Fisheries Service

Hydraulic Engineering Staff

777 Sonoma Avenue, Suite 325

Santa Rosa, CA 95404

Phone: (707) 575-6050

Fax: (707) 578-3425

Email: nmfs.swr.fishpassage@noaa.gov

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MAY 16 2003

NORTHERN SERVICE
CENTER

328 Getchell Street
Santa Cruz
Ca, 95060
May 11 2003

California State Parks
Northern Service Center
P.O. Box 942896
Sacramento, CA 94296-0001

ATTN: Ellen Wagner

Dear Ms. Wagner,

The following are my written comments on the DEIR for the Preliminary General Plan for The Forest of Nisene Marks State Park (FNMSPP). Thank you for the opportunity to comment on this very important plan.

Despite voiced concerns during the recent public hearings regarding the need to protect natural resources and honor the intent of the Marks' family deed, State Parks' commitment to both have diminished. State Parks initially proposed alternatives that offered considerable protection to natural resources. Now, State Parks is proposing a policy that would offer a reduced level of protection to resources in favor of intense recreational use.

Please increase protections of important native habitats in FNMSPP by doing a comprehensive biological resource inventory of the park to determine which areas deserve increase protections and meet criteria for special designations such as natural preserve. General Plan directives state that a Biological Resource Inventory should be completed, followed by a General Plan that is based on results of the Inventory.

It is very important to me that sensitive and important native habitats be preserved by only allowing low impact recreation in those areas. Also I enjoy hiking without having to worry about bicycles and horses passing me on every trail. There need to be areas of the park where visitors such as hikers, walkers, birdwatchers, photographers and others can contemplate nature without being disturbed by high intensity uses such as bicycling and horseback riding. It is only fair.

The current level of analysis in the DEIR is insufficient to evaluate critical aspects of the plan and its impacts, including: placement of facilities, designated use-intensities for the park, natural preserve designations, and park carrying capacity. Furthermore, by segmenting the plan, and not including a trail plan, State Parks will not be able to determine the cumulative impacts of such development within the Park. Please develop a trail plan based on the results of the biological inventory and include it as part of the General Plan.

The Forest of Nisene Marks State Park has been a jewel in the State Park system and a favorite of many in the area for more than a quarter of a century. With increasing population, rising park use, and pressures from user groups to expand park uses, State Parks needs to make planning and management decisions that are consistent with the intent of the Marks deed and are based on sound scientific methods.

Sincerely, Pauline Seales



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MAY 16 2003

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05/12/03
Paul Nam, President ROMP
19863 Portal Plaza
Cupertino, CA 95014
vocinam@yahoo.com

Ellen Wagner
California State Parks and Recreation Department
Northern Service Center
PO Box 942896
Sacramento CA 94261-0001

Dear Ellen Wagner,

In regards to the Preliminary General Plan/Draft Environmental Impact Report for the Forest of Nisene Marks unit of the California State Park system (SCH#2001-022080) I have the following comments to make on behalf of the approximately 400 members of ROMP (Responsible Organized Mountain Pedalers) and the mountain cycling community by extension of the Santa Clara and San Mateo Counties which we represent. The implementation of a new general plan for Nisene Marks will have tremendous impact on conservation, interpretive and recreational uses of the park for all users, and especially mountain cyclists.

1) Trail Heads and Staging Areas:

The Preliminary Plan underestimates the popularity of the eastern access off Buzzard Lagoon. Visitors from the metropolitan Bay Area have relatively rapid access to this area from Hwy 17, Summit Rd and Highland Way. Mountainbikers are attracted to the neighboring Soquel State Demonstration Forest, and are linking the excellent well maintained trails of that preserve with Nisene Marks in increasing numbers.

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The Cussacks Meadows Trail should be classified as a Class 2 trail. Its proximity and parallel route to the road, and ongoing and historic use do not qualify it for Class 3 status. Cussacks Meadows Trail is a wonderful alternative to the road, and because it is adjacent to a public access point it should be a multi-use trail.

The Olive Canyon Rd access is problematic and remote, and any consideration of enhancing access to this area should be predicated on future acquisitions and trail system enhancement.

2) Regional Implications:

Nisene Marks connects Santa Cruz to Santa Clara. Recent land acquisitions are completing the necessary trail corridors to connect these counties. The Preliminary General Plan does not sufficiently address this issue. Cyclists as well as hikers in the future should have the opportunity to travel and camp along this scenic route, and accommodations for this use should be expressly stated in the plan.

The Bay Area Ridge Trail, the Bay Trail and the De Anza Trails are all regionally proximate to Nisene Marks. All general use plans should assess potential connectivity potentials and far reaching concerns for the future. Furthermore such connections enhance the cultural significance of the park and have positive implications for the surrounding communities.

3) The West Ridge Trail:

ROMP wants to see the West Ridge Trail opened to cyclists and supports the Low Intensity Recreation Zone interpretation that permits cycling on trails.

I have kept my points brief and limited to the most important items on our agenda as they pertain to visitors from Santa Clara and San Mateo Counties. Comments on the Koch property and the staging areas in Aptos are not made since they are either already well represented in the Preliminary Plan or are not in the scope of the Preliminary Plan.

Thanks For Reading,

Paul Nam, President ROMP

Kaitilin Gaffney, Esq.
179 Pryce Street
Santa Cruz, CA 95060

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May 12, 2003

NORTHERN SERVICE
CENTER

Ellen Wagner
California State Parks Northern Service Center
P.O. Box 942896
Sacramento, CA 94296-0001

RE: Forest of Nisene Marks State Park Preliminary General Plan/Draft Environmental Impact Report

Dear Ms. Wagner,

Please accept the following comments regarding the Forest of Nisene Marks State Park Preliminary General Plan/Draft Environmental Impact Report (Draft Plan and DEIR). As a regular recreational user of this park, I am deeply concerned about the future of the area and troubled by several aspects of the DEIR and proposed General Plan. I urge you to make several significant revisions to the draft Plan and DEIR as noted below.

The California State Parks Statement of Purpose for Nisene Marks State Park is to "preserve and protect the natural and cultural resources, wildland values and supporting ecosystems of the upper watershed of Aptos Creek and adjacent areas of the Park..." Unfortunately, the provisions of the preliminary General Plan appear to directly conflict with this laudable statement of purpose by allowing inappropriate activities in sensitive areas of the Park.

I understand that the State of California desires to manage its open space resources for the benefit of all Californians. However, the mission of the State Parks should be first and foremost, to protect California's undeveloped public lands for wildlife, habitat and passive recreation. As park visitorship can be expected to grow in the coming years, it is critical that State Parks take action now to plan for the future and ensure that Nisene Marks is not "loved to death" or damaged by excessive or inappropriate use. Some components of the State Parks system may be appropriate for high levels of development or multiple use. Others, like Nisene Marks Park, are more appropriately managed for low intensity uses and natural habitat protection.

Bicycle Use

As an initial matter, I am concerned that California State Parks appears to be ignoring the clear intent of the land donor to have the upper area of Forest of Nisene Marks areas preserved in perpetuity as a natural preserve. As a mountain biker myself, I am well aware of the damage mountain bikes can do, both to the physical environment and to the recreational experience of other users. Mountain bikers in Santa Cruz County are fortunate to have many areas open to biking. Any decision to open additional areas to bikes should be made in a regional context and taken into account the sensitivity of the environment. The trails of Nisene Marks State Park are steep, highly erosive and too narrow to be safely shared between bikers, runners and mountain bikers. The areas where mountain biking is currently allowed on trails or occurs illegally provide ample evidence of the damage bikes have already done in Nisene Marks Park. Trails are eroded and evidence of bike use is clear on even some of the steepest slopes.

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If the draft Plan envisions expansion of bicycle use in the Park, the DEIR should be revised to fully describe the likely range of potential impacts associated with this activity. Furthermore, when bikes are allowed in one area, adjacent areas typically become subject to increased illegal biking activities. This phenomenon is so prevalent that it must be addressed in the DEIR – i.e., the document should not only describe the potential impacts associated with allowing biking in new areas of the park but should also address the completely foreseeable impacts of increased illegal biking in areas off-limits to bikes but made more easily accessible via newly legal trails. An accurate assessment of the impacts associated with increased bicycle use of the upper park area would demonstrate that this area is not suitable to high intensity activities like mountain biking. Clearly such activities cannot be described as compatible with the Land Management Zone referred to as “Resource Protection and Low Intensity Recreation.” DEIR at 110. The DEIR and Draft Plan should be revised to clearly state that mountain biking will not be allowed in the low intensity management zones. Specifically, the area above the steel bridge cannot be used for single track mountain biking without both adverse impacts to the natural resources of the park as well as conflicts with more passive recreational users such as hikers and runners. Finally, the potentially significant impacts associated with allowing increased access by mountain bikes to the more sensitive and remote areas of the Park should be analyzed in this DEIR and not deferred to future environmental review. If this programmatic document opens the door to increased intensity of recreational use with potentially adverse impacts to the physical environment, those impacts must be fully described, assessed and mitigation in this document.

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Biological Resources

The Draft Plan/DEIR does not contain adequate biological analysis to determine the potential impacts to the natural environment associated with adoption of the Plan. Unfortunately, the DEIR appears to rely solely on limited historical data and does not provide any citation to recent biological surveys or species inventories that could help identify the Park's natural resources and the potential impacts of the proposed Plan on these resources. Such baseline work is a critical foundation to determining the likely impacts associated with the project alternatives described in the DEIR. I am particularly concerned with potential adverse impacts to plant species of concern, undisturbed habitat areas, steep slopes and watershed values. I specifically suggest that the DEIR be revised to incorporate the recommendations in the recently completed Aptos Creek Assessment and Enhancement Plan.

Thank you for your consideration of these comments.

Sincerely,



Kaitilin Gaffney



ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

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MAY 19 2003

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May 15, 2003

Ms. Ellen Wagner
California Department of Parks and Recreation
Northern Service Center
P.O. Box 942896
Sacramento, CA 94296-0001

**Re: MCH # 050317 – Notice of Availability of a Preliminary General Plan/Draft
Environmental Impact Report for Forest of Nisene Marks
State Park**

Dear Ms. Wagner:

AMBAG's Regional Clearinghouse circulated a summary of notice of your environmental document to our member agencies and interested parties for review and comment.

The AMBAG Board of Directors considered the project on **May 14, 2003** and has no comments at this time. However, we are forwarding the enclosed comments on this project that we received from other agencies or interested parties.

Thank you for complying with the Clearinghouse process.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicolas Papadakis", is written over a horizontal line. The signature is fluid and stylized, with a long, sweeping horizontal stroke extending to the right.

Nicolas Papadakis
Executive Director